

SUPPLEMENTAL AMENDMENT  
Application No.: 10/563,594

**REMARKS**

Claims 1-3, 5-12, 14-18, 24-50, 52-56, and 62-65 are all the claims pending in the application.

In order to more particularly point out and distinctly claim that which Applicants regard as their invention, claim 1 is amended herein by (1) deleting the term “migratory” when referring to the antimicrobial agent of the presently claimed composite material, and (2) by deleting the phrase “wherein said migratory antimicrobial agent is present in the composite material at a level of at least 500 ppm based on the weight of said composite material.”

No new matter is added. Entry is respectfully requested.

**Additional Evidence in Response to Claims Rejections Under 35 U.S.C. § 103(a)**

In the Office Action dated January 21, 2010, the Office maintained several rejections under 35 U.S.C. § 103(a) over several prior art references, including Appleton, Sakai, Payne and Ramirez.

In the Response Under 37 C.F.R. § 1.111 dated July 21, 2010, Applicants responded by traversing the rejections under 35 U.S.C. § 103(a) with substantive argumentation in favor of the patentability of the present claims.

In the same Response Under 37 C.F.R. § 1.111, Applicants requested a Six-Month Suspension of Action with which to conduct experimentation including comparative studies and to demonstrate the unexpectedly superior properties of the presently claimed composites. This Six-Month Suspension of Action was approved by the Office on September 23, 2010.

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Accordingly, in furtherance to the Response Under 37 C.F.R. § 1.111 filed on July 21, 2010, which arguments are incorporated herein, Applicants submit a Declaration Under 37 C.F.R. § 1.132, which is enclosed with the present Supplemental Amendment.

The enclosed Declaration Under 37 C.F.R. § 1.132 is based upon the University Report titled, "Comparison Between Appleton Invention Related to the Antibacterial Effectiveness of Corian™ And Cosentino Invention Related to the Antibacterial Effectiveness of Silestone™, also submitted herewith. For reference purposes, Applicants also enclose International Standard ISO 22196, and "Bacteriostatic Protocol and Durability of Hard Surfaces," both of which are discussed in the present Declaration Under 37 C.F.R. § 1.132.

In the present Declaration Under 37 C.F.R. § 1.132, Applicants demonstrate that the agglomerate surfaces according to the present invention can preserve antibacterial efficiency after multiple surface treatments, and thus demonstrate the unique durability of the antibacterial properties of the present agglomerates over the composites disclosed in Appleton and the cited prior art.

Furthermore, the enclosed Declaration contains evidence and experiments that in the presently claimed agglomerates, biocides migrate from the inner to the upper part of the agglomerates, which provide the presently claimed agglomerates with an antibacterial efficiency that is both durable and effective over time.

Applicants respectfully submit that the enclosed Declaration Under 37 C.F.R. § 1.132 suggests that the presently claimed composite material exhibits unexpectedly superior properties over the composites disclosed in the cited prior art.

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For at least the above reasons, the Office is requested, respectfully, to withdraw the rejections of the claims over Appleton, Sakai, Payne and Ramirez.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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